

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE B. PENILTON IV,

Plaintiff, No. CIV S-03-2559 FCD KJM P

vs.

SACRAMENTO COUNTY, et al.,

Defendants. ORDER

Plaintiff, a state prison inmate proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On May 16, 2005, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within twenty days. Plaintiff has filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. The findings and recommendations filed May 16, 2005, are adopted in full; and
3 2. Plaintiff's complaint is dismissed without prejudice.

4 DATED:June 10, 2005

5
6 /s/ Frank C. Damrell Jr.
7 FRANK C. DAMRELL JR.
United States District Judge

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